

**LEGISLATIVE**

**# 110258F**

# **Parks, Recreation and Cultural Affairs Disposition of Conservation Lands Policy**

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Revised: June 2012

## **Introduction**

At times the City of Gainesville receives requests to sell City-owned property including City-owned property that was acquired for conservation and passive recreation purposes. The Parks, Recreation and Cultural Affairs Department (PRCA) has established this policy to provide direction for evaluation of the disposition of lands that were acquired or used specifically for conservation and passive recreation purposes. This policy pertains to Nature parks, centers and conservation areas as listed in section 18-18(b) of the City of Gainesville Code of Ordinances, as well as other City-owned lands under PRCA management, collectively referred to herein as “conservation land”. This policy is intended to supplement the City’s general Real Estate Guidelines as may be adopted or amended from time to time.

## **Laws and Regulations**

### **City of Gainesville Comprehensive Plan**

Objective 1.4 of the Recreation Element provides language concerning the disposal or sale of City-owned land or facilities. Policies 1.4.1, 1.4.2, and 1.4.3, direct that a report evaluating potential use of such land or facilities for recreation be prepared; that the City prepare a report for the City Manager recommending the disposal of, or adaptive reuse of, recreation facilities or properties; and that proceeds from the disposal or sale of any City-owned recreation and park properties shall be used for recreation and park infrastructure enhancement and improvements.

### **City of Gainesville Registry of Protected Public Places**

The City of Gainesville voters adopted an amendment to the City Charter creating a new Section 5.09 as set forth in Ordinance #080576 which pertains to the sale or conversion of City-owned lands used or acquired for conservation, recreation, or cultural purposes. Charter Section 5.09 states that a registry of protected public places will be created which identifies those properties that are deemed worthy of the highest level of protection. The properties listed on this registry cannot be sold or converted to a use that will result in a loss of the value for which the property was placed on the registry, except by a majority vote of the electors voting in a city-wide referendum election.

### **City of Gainesville Land Development Code (Section 30-310.4)**

The City of Gainesville adopted an amendment to the Land Development Code on August 16, 2012 creating a new section on Regulated Natural and Archaeological Resources. Section 30-310.4 discusses opportunities for mitigation of those resources. The terms of mitigation requires any land purchased for mitigation purposes to be set aside in a perpetual conservation state. Therefore, any lands set aside or purchased for

mitigation purposes will be designated as conservation land use and zoning and will be placed on the Registry of Protected Public Places for perpetual protection from land use/zoning changes and/or disposition.

### **PRCA Disposition of Conservation Lands Policy**

The purpose of this policy is to outline the specific process for evaluating whether to dispose of City-owned conservation land. However, the disposition of conservation land should be an exception rather than a rule since the City is a steward for these lands, not a broker. Possible negative impacts of disposing of conservation land include loss of ecological value, loss of recreational value, detrimental effects on other public lands, and the creation of bad faith in the community as a result of public expectations regarding public land.

The Nature Operations Division (NOD) Natural Resource Management (NRM) staff within PRCA proactively manages conservation land. If conservation land is to be considered for disposition, it should be evaluated on its own merits independent of the knowledge of any offered proposal. Attributes to be evaluated for a property considered for disposition include:

- 1) ecological significance,
- 2) recreational significance,
- 3) expectation of future preservation, and
- 4) effect of disposition on other public property.

When the property has been deemed to be of no significant ecological or recreational value, then a disposition proposal can be evaluated for its appropriateness. The remainder of this policy outlines the process of property evaluation and disposition for conservation land.

### **Conservation Land Disposition Process**

- 1) Requests to dispose of conservation land will be submitted to the PRCA Director by the City's Land Rights Coordinator. Conservation land may not be disposed of unless a determination is first made that the land is of no ecological or recreational value. The PRCA Director will inform NRM staff of the property requested for disposition. NRM staff will complete a site evaluation in accordance with this policy.
- 2) A site evaluation will be completed by NRM staff using the *Conservation Land Ranking Criteria* (Exhibit A). These criteria consider the property's ecological and recreational significance as well as expectations of future preservation and the effect disposing of a property will have on other public property. In addition, all applicable laws and regulations pertaining to conservation land will be adhered to through this process. If needed, an economic development impact analysis will be coordinated with the Planning Department.

- 3) NRM staff will submit their recommendation as to whether or not the land is needed for conservation or recreation purposes to the PRCA Director. The PRCA Director will submit the site evaluation, with his comments, if any, to the Nature Centers Commission (NCC), via the NCC liaison, for review and recommendation to the City Commission. The NCC will review the request at their next available regularly scheduled public meeting to determine if the request is appropriate for the property under consideration.
- 4) The final recommendation will be submitted to the City Commission by the NCC. If the City Commission approves of the disposal, the City's *Real Estate Guidelines* will be followed to dispose of the property.
- 5) If the property is recommended for disposition and it was previously acquired with conservation funds, the sales proceeds received by the City at closing on the sale shall be deposited in the acquisition fund from which the land was purchased. If the previous acquisition fund is no longer active, sales proceeds received will be deposited into the City's Greenspace Acquisition fund.
- 6) If the proposed request involves an exchange of lands instead of a sale, the following additional items will be completed:
  - a. NRM staff will evaluate both the land to exchange and the conservation land using the *Conservation Land Ranking Criteria*.
  - b. If the land to exchange has low value, it will be referred to Economic Development for review and comment, which will be included with the ranking criteria summary.
  - c. In order to recommend the exchange, the land to exchange must be of significantly greater conservation value and significantly greater acreage and equal or greater appraised value than the conservation land.
  - d. The requestor will be required to pay all costs of the exchange, including but not limited to surveys, appraisals, title work, environmental assessment, and a land management endowment for continued land management needs of the exchanged land, which will be decided upon at the time of sale and included within the deed restrictions.

**Exhibit A – Conservation Land Ranking Criteria**

See “Disposition of Conservation Lands Policy\_Ranking Criteria” Excel spreadsheet.

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